IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1093 of 2007()

AGAINST THE ORDER IN LPC 120/06 IN
CC.394/2006 of C.J.M.,KASARAGOD
CRIME NO.195/03 OF KASARAGOD POLICE STATION

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: PETITIONER/ACCUSED

FIROZ, S/O. ABDULLA,
THAIVALAPPIL HOUSE, CHOORI, R.D.NAGAR,
KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
THE SUB INSPECTOR OF POLICE, KASARAGOD POLICE
STATION, REP. BY THE PUBLIC PROSECUTOR,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1093 OF 2007 B

Dated this the 26th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the 3rd accused in Crime No.195/2003 of Kasaragod Police Station for offences punishable under Secs.143, 147, 148, 341, 324, 506(ii) and 153A read with section 149 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.331/2004 on the file of the Chief Judicial Magistrate, Kasaragod, the case against the petitioner was split up and refiled as C.C.No.394/2006 and has also been transferred to the long pending register as LPC No.120/2006. Admittedly non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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